

EXHIBIT A

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 IN RE TFT-LCD (FLAT PANEL)) Master File No. C07-1827
5 ANTITRUST LITIGATION) SI
6 _____)

7 This Document Relates to:) MDL No. 1827
8 All Indirect-Purchaser)
9 Class Actions)
10 _____)

11
12 DEPOSITION OF KEVIN LUKE
13 Taken on behalf of Indirect-Purchaser Plaintiffs at
14 the Law Offices of Island Lawyers Doi/Luke, Pan Am
15 Building, Suite 800, 1600 Kapiolani Boulevard,
16 Honolulu, Hawaii 96814, commencing at 10:00 a.m.,
17 on December 7th, 2012, pursuant to Notice.

18
19
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21
22
23 BEFORE: PATRICIA ANN CAMPBELL, CSR 108
24 Certified Shorthand Reporter
25 State of Hawaii

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

2

1 APPEARANCES:

2
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19 - and -

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25

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

3

I N D E X

EXAMINATION BY:

PAGE

Ms. Manning

5

Mr. Pentz

78

EXHIBITS FOR IDENTIFICATION

PAGE

Exhibit 1: "Indirect-
Purchaser Plaintiffs' Notice
of Deposition of Objector
Kevin Luke"

17

Exhibit 2: "Deposition of
Kevin Luke"

19

Exhibit 3: Letter to K.
Luke from F. Scarpulla,
dated 8-29-12

20

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

4

1	EXHIBITS FOR IDENTIFICATION	PAGE
2	Exhibit 4: Letter to F.	41
3	Scarpulla from J. Pentz,	
4	dated 11-29-12	
5	Exhibit 5: "Notice of	55
6	Service of Renewed Notice of	
7	Deposition"	
8	Exhibit 6: "Objection to	55
9	Settlement and Motion for	
10	Attorney's Fees"	
11	Exhibit 7: "Objection to	69
12	Report and Recommendation of	
13	Special Master re Motion for	
14	Attorneys' Fees and other	
15	Amounts by Indirect-Purchaser	
16	Class Plaintiffs"	
17	Exhibit 8: Screen shot	74
18	Exhibit 9: "Subpoena"	78

19
20
21
22
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24
25

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

5

1 KEVIN LUKE,
2 called on behalf of Indirect-Purchaser Plaintiffs,
3 was first duly sworn to tell the truth, the whole
4 truth, and nothing but the truth, and testified as
5 follows:

6 EXAMINATION

7 BY MS. MANNING:

8 Q. Good morning.

9 A. Morning.

10 Q. Could you please state your name for the
11 record?

12 A. Kevin Luke.

13 Q. And have you been known by any other
14 names?

15 A. No.

16 Q. What is your address?

17 A. 1619 Kamamalu Avenue, Apartment 209.

18 Q. And how long have you lived there?

19 A. Four years.

20 Q. And what is your date of birth?

21 A. April 28, 1969.

22 Q. We were born the same year. You are a
23 little bit older than me, though.

24 Have you ever been deposed before?

25 A. No, no.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

6

1 Q. I should introduce myself, I apologize.
2 My name is Jill Manning, and I am one of the
3 attorneys for the indirect-purchaser plaintiffs in
4 this class action.

5 Have you ever given testimony in a court
6 of law before?

7 A. No.

8 Q. Have you ever given testimony in an
9 arbitration before?

10 A. No.

11 Q. And, Mr. Luke, do you have an
12 understanding of why you are here today?

13 A. Yes.

14 Q. And what is that understanding?

15 A. I am a witness in this case. I honestly
16 don't know a lot. Basically, I just know I was
17 called, I got a phone call a while back from Ed
18 Cochran asking me if I had bought a computer or a
19 flat screen tv in a given period of time, and I did,
20 and he basically just said he would be in touch, and
21 he would send me paperwork, and that's pretty much
22 been the extent of my role in what's been happening
23 here.

24 Q. Okay, and who is Ed Cochran?

25 A. He is an attorney in Cleveland.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

7

1 Q. How did Mr. Cochran get your contact
2 information?

3 A. From my brother.

4 Q. And when did Mr. Cochran first contact
5 you?

6 A. I'm not sure. I might have a date. I
7 could be wrong here, but I believe it was, let me
8 check here. In September. No. Maybe even -- no,
9 I'm sorry. April.

10 Q. April of 2012?

11 A. Yes. I kept his voice mail, so I have
12 his voicemail still on.

13 Q. Okay, excellent. Okay, before we jump
14 into the substantive testimony, since you haven't
15 had your deposition taken before, let me give you a
16 couple of ground rules.

17 A. Okay.

18 Q. Even though we are here in a relatively
19 informal law office in Honolulu, you are testifying
20 under oath subject to the penalty of perjury. Do
21 you understand that?

22 A. Yes.

23 Q. Okay. The purpose of this deposition is
24 to get your best recollection. If you don't know
25 the answer to a question, don't guess, but I am

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

8

1 entitled to your best estimate or recollection.

2 A. Okay.

3 Q. Does that make sense?

4 A. Yes.

5 Q. Okay, and if I ask a question that you
6 don't understand, just let me know, and I will do my
7 best to rephrase it.

8 A. Okay.

9 Q. The court reporter is transcribing
10 everything that we say, so it is really important
11 that you let me finish my question before you answer
12 so that we are not talking over each other, and she
13 will be very happy if we do that.

14 A. Okay.

15 Q. At the conclusion of the deposition, the
16 court reporter will prepare a transcript, and you
17 will have the opportunity to review that transcript
18 and make any changes to your testimony. However, if
19 there is a hearing involving this matter, the class
20 attorneys will have the opportunity to comment on
21 any changes that you make to your testimony.

22 A. Okay.

23 Q. Does that make sense?

24 A. Yes.

25 Q. Okay. Is there any reason that we can't

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

9

1 proceed with the deposition today?

2 A. No.

3 Q. Is there reason that you can not respond
4 accurately and truthfully to my questions?

5 A. No.

6 Q. Have you taken any medication or any
7 other substance that might affect your --

8 A. No.

9 Q. -- ability to respond truthfully to each
10 question?

11 A. No.

12 Q. Okay, and that was one of our ground
13 rules is that I have to finish my question.

14 A. Okay.

15 Q. Thank you. Okay, let's talk a little
16 bit about your education and work history. Can you
17 tell me about your educational background?

18 A. I've attended college. I actually
19 didn't graduate. I was close, but then I came back
20 to Hawaii, and I started working in the field that I
21 went to school for, so I have been in the television
22 business for almost twenty years now.

23 Q. Where did you go to college?

24 A. Chapman College in Orange, California.

25 Q. Okay, that's a nice school. And how

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

10

1 many years did you attend college there?

2 A. Five years.

3 Q. Did you graduate?

4 A. No. I finished the course work, but my
5 GPA was a little short. I meant to go back, but --

6 Q. That happens.

7 A. -- once the career started, I haven't
8 had time to go back, and I have actually done really
9 well. I would like to eventually go back, but,
10 yeah, that's another story.

11 Q. And what year did you start Chapman
12 College?

13 A. In 1987.

14 Q. And what was your course of study while
15 you were there?

16 A. Communications and film and television
17 production.

18 Q. Did you ever take any legal courses?

19 A. No.

20 Q. Have you had any legal education at all?

21 A. None whatsoever.

22 Q. Okay, and so it sounds like you left
23 Chapman around 1992 --

24 A. Yeah.

25 Q. -- is that correct?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

11

1 A. That's correct.

2 Q. And what was your first job out of
3 college?

4 A. At the tv station just down the street
5 at KGMB.

6 Q. Okay, and that's here in Honolulu?

7 A. Mm-hm, yes.

8 Q. And what were your job duties?

9 A. I was a -- my official title was
10 production technician.

11 Q. And what did you do as a production
12 technician?

13 A. Behind the scenes jobs, newscast and
14 other production, commercials, working camera,
15 audio, a lot of technical things, more of the behind
16 the scene stuff in television.

17 Q. Okay, and is that the position that you
18 hold today?

19 A. Yes, and I am a producer director, and I
20 am still doing a lot of those technical things too.
21 I am an independent contractor. I work for
22 everybody now.

23 Q. And so does that mean that you are not
24 working for KGMB anymore?

25 A. Not as an employee. I still do work for

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
12

1 them, but, yeah, they are one of my clients --

2 Q. Okay.

3 A. -- that I work for.

4 Q. And when did you leave employment with
5 KGMB?

6 A. Oh, do we have to go through the whole
7 thing? Because I left a few times, and I went back.

8 Q. If you can just give me sort of a
9 summary?

10 A. Okay, well, I kind of bounced back and
11 forth between a few tv stations. In 2001, I left to
12 work as an independent contractor. When the economy
13 went back, I went back to KGMB in 2009, and then I
14 left last September and have been working again as
15 an independent contractor since.

16 Q. Okay. So the current position that you
17 hold as a producer director --

18 A. Slash, technician, yeah. I am kind of
19 -- kind of like a swiss Army knife depending on the
20 client, you know, who I am working for.

21 Q. A jack of all trades?

22 A. Yeah, so it keeps me really busy too.

23 Q. Good for you. And you are
24 self-employed --

25 A. Yes.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

13

1 Q. -- is that correct?

2 A. Yes.

3 Q. Okay, great. So can you describe your
4 usual work schedule, if you have one? I mean, do
5 you work Monday through Friday?

6 A. It varies. It depends on the clients,
7 it depends on the jobs. Lately, the last few months
8 because it is sports season, I have been working on
9 a lot of sports broadcasts, so there's been a lot of
10 weekends, but it is never the same every week, which
11 I kind of enjoy that part too.

12 Q. Did you know the Giants won the World
13 Series?

14 A. Yes, yes.

15 Q. Okay, so you are not like a nine to five
16 guy --

17 A. No.

18 Q. -- Monday through Friday?

19 A. No, not at all.

20 Q. Okay. Is there a typical time that you
21 leave your house in the morning?

22 A. No. Again, it depends on the job.

23 Q. Okay.

24 A. This morning, for example, I directed
25 the morning show at KGMB, so I went in at three

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
14

1 o'clock this morning. You know, I am off for the
2 next couple of days. I am doing a cooking show for
3 a couple days next week and sports broadcast. It
4 varies, it varies.

5 Q. Okay.

6 A. Yeah.

7 Q. Did you take any vacations in late
8 August or early September?

9 A. No.

10 Q. Do you recall being out of town in late
11 August, early September?

12 A. No.

13 Q. Did you do anything to prepare for the
14 deposition today?

15 A. No. I was just basically told to come
16 in. I was told to look for some documentation for
17 any products that I bought. I have actually found a
18 couple of computers that I have bought during that
19 time period, and, yeah, that was about it.

20 Q. Okay, and we will get into that a little
21 bit later.

22 A. Okay.

23 Q. Did you meet with any lawyers prior to
24 your deposition?

25 A. No.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
15

1 Q. Did you talk to any lawyers prior to
2 your deposition?

3 A. No.

4 Q. You basically just showed up this
5 morning?

6 A. Yes.

7 Q. So you are represented here today by
8 your brother --

9 A. Yes.

10 Q. -- is that correct?

11 A. Yes.

12 Q. And did you meet with him prior to the
13 deposition?

14 A. I came in about nine-thirty, and we just
15 talked for a couple of minutes, and he was just kind
16 of telling me, you know, what to expect, but he
17 didn't really tell me, you know, anything else.
18 It's just we kind of went over what's happened, you
19 know, my communications with Ed, and that was about
20 it.

21 Q. Is your brother your lawyer in this
22 matter?

23 A. Yes.

24 Q. Okay, and what about Mr. Cochran?

25 A. Yes.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
16

1 Q. He is also your attorney?

2 A. Well, he is representing them.

3 Q. Your brother is representing Mr.

4 Cochran?

5 A. No, he's -- he's here to --

6 Q. We may have to swear in your brother.

7 A. Yeah, I'm sorry. He is here too on
8 behalf of them, but, yes, Ed is representing me,
9 yes.

10 Q. Okay, so your brother is not your
11 attorney?

12 A. No, no.

13 Q. Okay, that's probably a good thing.

14 A. Yeah, yes.

15 Q. Okay. So is it your understanding that
16 you are represented by Mr. Cochran in this matter?

17 A. Yes.

18 Q. Okay, what is --

19 Okay. Did you review any documents
20 prior to the deposition?

21 A. No.

22 Q. And did you bring documents with you
23 today?

24 A. I have two computers.

25 Q. You brought computers with you?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

17

1 A. Yes.

2 Q. Okay, all right, we will talk about
3 those in a bit.

4 MS. MANNING: Okay, let's start by
5 marking our first exhibit which will be Exhibit 1.
6 Okay, this is an April 25th, 2012, indirect-
7 purchaser plaintiff notice of deposition of
8 objector, Kevin Luke.

9 (Deposition Exhibit 1 was marked for
10 identification.)

11 Q. (By Ms. Manning) Why don't you take a
12 minute, Mr. Luke, and take a look at this document?

13 A. Sure. Okay.

14 Q. Mr. Luke, have you seen Exhibit 1
15 before?

16 A. This document?

17 Q. Yes.

18 A. No. This is the first time I have seen
19 it.

20 Q. Were you aware that there was a notice
21 requesting your deposition served in April of 2012?

22 A. Not in April. The first I have heard of
23 a deposition was -- I'm not sure. Maybe sometime a
24 few weeks ago, Ed gave me a call and said that --
25 that the deposition would like to be scheduled, but

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
18

1 that was the first time I had heard.

2 Q. Okay. So you were not aware in April of
3 2012 that there was a desire on behalf of the
4 attorneys to take your deposition --

5 A. No.

6 Q. -- is that correct?

7 A. No.

8 Q. Do you know who Fran Scarpulla is?

9 A. No.

10 Q. Have you heard of the Zelle Hofmann law
11 firm?

12 A. No.

13 Q. Do you know who Joe Alioto is?

14 A. No.

15 Q. Okay. If you would take a look at
16 Exhibit A to Exhibit 1, you will see that it
17 identifies categories of documents. Did you review
18 any categories of documents?

19 A. As far as -- I haven't read -- I haven't
20 seen any documents pertaining to this.

21 Q. Okay. Did you search for any kind of
22 documents in April of 2012?

23 A. No.

24 Q. Okay. Okay, you can put that aside.

25 MS. MANNING: Okay, we will mark the

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

19

1 next document as Exhibit 2 which is the April 25th,
2 2012, transcript of deposition of Kevin Luke.

3 (Deposition Exhibit 2 was marked for
4 identification.)

5 Q. (By Ms. Manning) Did you appear for
6 your deposition on April 25th, 2012?

7 A. No.

8 Q. Okay. This document reflects that you
9 did not appear; is that correct?

10 A. Yes.

11 Q. Why did you not appear for your
12 deposition on April 25th, 2012?

13 A. I did not know of that, that I was
14 scheduled for a deposition.

15 Q. So nobody told you that the deposition
16 notice had been served and that you were scheduled
17 to appear?

18 A. No.

19 Q. You didn't make a conscious decision not
20 to appear, correct?

21 A. No, no, I did not know about it, no.

22 MS. MANNING: Okay, we will mark the
23 next exhibit Exhibit 3 which is an August 29th,
24 2012, letter and a subpoena to testify at a
25 deposition in a civil action.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
20

1 (Deposition Exhibit 3 was marked for
2 identification.)

3 Q. (By Ms. Manning) Mr. Luke, will you
4 take a look at this document, please?

5 A. Sure.

6 MR. KENDAL LUKE: Is that it? I'm
7 sorry.

8 MS. MANNING: Oh, did I not give it to
9 you? It is going to be hard for you to look at if I
10 don't give it to you.

11 Q. (By Ms. Manning) Actually, before you
12 look at this document, let me just ask you a couple
13 of questions. When Exhibit 1 was prepared in April
14 of 2012, at that time were you represented by Mr.
15 Cochran?

16 A. Yes.

17 Q. When did you decide to hire Mr. Cochran
18 as your attorney?

19 A. I believe it happened when Mr. Cochran
20 gave me a call.

21 Q. Okay, and you say he left a voice mail
22 for you?

23 A. Yes.

24 Q. And that was in April of 2012?

25 A. Yes.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
21

1 Q. Do you recall the date?

2 A. I have the date of the voice mail. It's
3 April -- the voice mail I have is April 10th.

4 Q. Okay, and what did Mr. Cochran say in
5 his voice mail?

6 A. I'm not sure. Can I play it back?

7 Q. Sure.

8 MR. KENDAL LUKE: Well --

9 MR. PENTZ: Kendal, could we have a
10 break right now? I need to speak with Kendal.

11 MS. MANNING: Well, there's a question
12 pending. I mean, if you are going to assert an
13 attorney client privilege, this was a voice mail.
14 They couldn't have had an attorney client
15 relationship.

16 MR. KENDAL LUKE: You know, I am going
17 to object to that potentially on the basis that
18 there was an existing, they did have a previous
19 attorney client privilege, and in terms of what's on
20 the voice mail, there may be attorney client
21 privilege information in a different matter.

22 MS. MANNING: Okay, well, let's explore.
23 Okay, why don't we hold off on playing the voice
24 mail and allow me to explore the beginning of his
25 attorney client relationship. Does that work for

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
22

1 everybody?

2 MR. PENTZ: Yes, that's fine, sure.

3 Q. (By Ms. Manning) Okay, all right. So
4 it was my understanding that you first met Mr.
5 Cochran in April of 2012. That sounds like it is
6 not correct. When did you first meet Mr. Cochran?

7 A. I'm not sure what the date was. I was
8 involved in another class, another class action
9 lawsuit with him, so, yeah, I mean, that was not the
10 first time I contacted him or, I mean, he contacted
11 me.

12 Q. Okay.

13 A. I believe that was the first time that
14 he contact me regarding --

15 Q. This case?

16 A. -- this one, yeah.

17 Q. Okay, that makes sense. All right, so
18 when did you first meet Mr. Cochran, or when was
19 your first -- let me rephrase that.

20 When did you have your first
21 communication with Mr. Cochran?

22 A. I believe it was 2010.

23 Q. And what was the nature of that
24 communication?

25 A. It was regarding the vehicle that I

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
23

1 drove. It was -- I don't recall the details of it.
2 It was for my Honda CRV. Again, I don't recall the
3 exact details of that case, but --

4 Q. Did Mr. Cochran initiate contact with
5 you?

6 A. I believe so.

7 Q. Did he call you?

8 A. Yes.

9 Q. And what did he say in his initial
10 conversation? Let me strike that.

11 Did he leave you a voice mail?

12 A. I don't remember, I don't remember how
13 that -- how that went. I don't know if I answered
14 the call, or he left a voice mail. I can't recall
15 that.

16 Q. Okay, and do you know how he got your
17 contact information?

18 A. My brother.

19 Q. Okay, and when did you decide to retain
20 Mr. Cochran as your attorney?

21 A. When we -- I had a discussion with him,
22 and we figured out that my vehicle was, you know,
23 was part of -- I guess it qualified for that
24 lawsuit. It came -- it fell under that -- that
25 lawsuit, you know?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
24

1 Q. Okay.

2 A. So that's when my relationship with Mr.
3 Cochran started on that.

4 Q. Okay. So he initiated contact with you
5 and asked you if you wanted to be a part of the
6 lawsuit; is that correct?

7 A. Yes.

8 Q. Okay. Had you had any communications
9 with Mr. Cochran prior to him contacting you about
10 the, I assume you are talking about the Canadian
11 cars lawsuit; is that correct?

12 A. Yes.

13 Q. Did you have any knowledge of the
14 Canadian cars lawsuit, other than the information
15 you received from Mr. Cochran?

16 A. No.

17 Q. So the first time you became aware that
18 there was a lawsuit involving Canadian cars was in
19 the phone call you received from Mr. Cochran?

20 A. Yes.

21 Q. Did you review any documents relating to
22 the Canadian cars lawsuit?

23 A. No, none that I can recall.

24 Q. Did you review the settlement agreement
25 in the Canadian cars lawsuit?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
25

1 A. No.

2 Q. Did you file an objection in the
3 Canadian cars lawsuit?

4 A. Not that I know of.

5 Q. Okay. Did Mr. Cochran prepare any
6 documents on your behalf in connection with the
7 Canadian cars lawsuit?

8 A. I'm not sure.

9 Q. So why did you decide to hire Mr.
10 Cochran to represent you in connection with the
11 Canadian cars lawsuit?

12 A. I'm not sure. He called, and he just
13 asked if, you know, my vehicle qualified for it, and
14 I said, yes, and, yeah, that was about it. I mean,
15 my brother had told me that, you know, he knew -- he
16 knew of somebody on the mainland that, you know, was
17 looking to see if he knew anybody that qualified for
18 that case, and I guess I fell into that. You know,
19 I fell into that. My car qualified for it,
20 basically.

21 Q. And in what way did your car qualify?

22 A. It was one of the vehicles listed, if I
23 remember correctly. It was a 2002 Honda CRV.

24 Q. And what was the nature of that Canadian
25 cars lawsuit?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
26

1 A. Honestly, I don't know.

2 Q. And did your brother tell you anything
3 about the Canadian cars lawsuit?

4 A. No.

5 Q. Did you have a written attorney client
6 fee agreement with Mr. Cochran in connection with
7 the Canadian cars lawsuit?

8 A. No.

9 Q. Did you expect to receive any payment in
10 connection with your involvement in the Canadian
11 cars lawsuit?

12 A. I wasn't sure. You know, I figured I
13 would just put my name in to help out. You know, I
14 wasn't sure what was going to come of it. And
15 actually, I hadn't heard anything until maybe about
16 a month ago when we were talking about this case,
17 and Mr. Cochran had said that, you know, there were
18 no financial settlements --

19 MR. KENDAL LUKE: Well, just objecting
20 to --

21 THE WITNESS: Oh, sorry.

22 MR. KENDAL LUKE: -- attorney client
23 privilege.

24 THE WITNESS: Sorry.

25 MR. KENDAL LUKE: That's privileged

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
27

1 information.

2 THE WITNESS: Okay.

3 Q. (By Ms. Manning) Right, just so you
4 know, once you decide to hire an attorney to
5 represent you, generally the discussions you have
6 with that attorney will be covered by the attorney
7 client privilege --

8 A. Okay.

9 Q. -- and you shouldn't tell me what your
10 attorneys have said to you and your brother --

11 A. Okay.

12 Q. -- and Mr. Pentz possibly will raise
13 objections, but to the extent that you have had
14 discussions with non-attorneys such as your brother,
15 those matters would not be covered by the attorney
16 client privilege.

17 A. Okay.

18 Q. So from the time that Mr. Cochran
19 contacted you in 2012 until a month ago, have you
20 had any discussions with him about the Canadian cars
21 case?

22 A. No.

23 Q. No e-mails?

24 A. No.

25 Q. No phone calls?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
28

1 A. No.

2 Q. You had no idea what happened?

3 A. No.

4 Q. So you said --

5 I asked you earlier if you expected to
6 receive a payment in connection with your
7 involvement in the case, and you said you didn't
8 know. Am I mischaracterizing your testimony, or is
9 that correct?

10 A. No.

11 Q. Okay, what was your expectation?

12 A. Well, I had heard that there were
13 possible -- you know, I could get something possibly
14 from it, but, you know, I didn't know. This is the
15 first time that I had agreed to do something like
16 this, so.

17 Q. Did you think that you might get some
18 monetary benefits?

19 A. Possibly, but, you know, I wasn't
20 expecting anything. I was just -- it was one of --
21 it was basically, you know, agree to a couple of
22 things, you know, and I never gave it much thought.

23 Q. Okay, so you didn't review any documents
24 in connection with the Canadian cars case; is that
25 correct?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
29

1 A. Yes.

2 Q. Is it correct to say that the only
3 information you had about the case was information
4 that you learned from Mr. Cochran?

5 A. Yes.

6 Q. And did you learn anything from your
7 brother about that case?

8 A. No.

9 Q. Okay. Are you aware that Mr. Pentz
10 applied -- okay, strike that.

11 Let's go back to Exhibit 3. Have you
12 had a chance to look that? I think I interrupted
13 you while you were --

14 A. This one here?

15 Q. Yes.

16 A. No.

17 Q. Okay, why don't you take a quick look at
18 Exhibit 3?

19 A. Okay.

20 Q. Okay, Mr. Luke, have you seen Exhibit 3
21 before?

22 A. No, this is the first time.

23 Q. Okay, who was your attorney in August of
24 -- actually, let me strike that.

25 Did you consider Mr. Cochran to be your

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
30

1 attorney in April of 2012 in connection with the LCD
2 case?

3 A. Yes.

4 Q. And when did you decide that, to retain
5 Mr. Cochran in connection with the LCD case?

6 A. I guess when I first talked to him about
7 this case.

8 Q. Okay. So when you received the April
9 19th notice of deposition which we marked as Exhibit
10 1, was Mr. Cochran your attorney at that point?

11 A. Yes.

12 Q. So in August of 2012, did you consider
13 Mr. Cochran to be your attorney?

14 A. Yes.

15 Q. Okay, who is John Pentz?

16 A. He works with Mr. Cochran.

17 Q. Do you consider Mr. Pentz to be your
18 attorney?

19 A. As far as I know, I have just been in
20 contact with Mr. Cochran. I have heard John's name
21 mentioned before, but I have been mainly just in
22 direct contact with Mr. Cochran.

23 Q. Okay. What is the nature of their
24 business relationship, if you know? Are they law
25 partners?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
31

1 A. I'm not sure.

2 Q. Okay. Where does Mr. Cochran maintain
3 his law practice?

4 A. Oh, Cleveland.

5 Q. Do you know where Mr. Pentz maintains
6 his law practice?

7 A. No.

8 Q. Have you had any conversations with Mr.
9 Pentz?

10 A. No, I have never -- I have never talked
11 to him before. I have only talked with Ed.

12 Q. Okay, going back to Exhibit 3, you said
13 you haven't seen this before; is that correct?

14 A. Yes.

15 Q. Okay, take a look at page three, which
16 is entitled affidavit of reasonable diligence?

17 A. Yes.

18 Q. This document reflects four attempts to
19 serve you at 1619 Kamamalu Boulevard, Apartment 209?

20 A. Yes.

21 Q. Were you living at that address in late
22 August and early September of 2012?

23 A. That is my address. I have actually
24 been staying with my girlfriend for the last, oh,
25 since last August. She lives about a mile away, so

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
32

1 I have actually kind of been using my apartment as
2 an office during the day, but, yeah, I'm not there
3 all the time anymore.

4 Q. Okay, and what is your girlfriend's
5 address?

6 A. 1717 Mott Smith Drive.

7 Q. And is that in Honolulu?

8 A. Yes.

9 Q. Okay. So the first attempt according to
10 this document was made on August 30th at 8:20 p.m.,
11 do you see that?

12 A. Yes.

13 Q. Do you recall if you were home that
14 evening?

15 A. No. Actually, on none of these dates,
16 you know, I wasn't there because I don't recall ever
17 getting anybody coming to my door when I have been
18 there.

19 Q. You don't recall hearing any knocking on
20 the door?

21 A. No, no.

22 Q. And is it -- strike that.

23 So the second attempt was made on August
24 31st at 7:55 a.m. Do you recall being home at that
25 time?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
33

1 A. No.

2 Q. And the third time was on September 4th
3 at 7:00 p.m. Do you recall being at home at that
4 time?

5 A. No.

6 Q. And then the fourth attempt was made on
7 September 17th, at 9:05. You said you did
8 occasionally use that --

9 A. Yes.

10 Q. -- home as your office. Do you recall
11 being there at that time?

12 A. No.

13 Q. Is it your usual practice to answer the
14 door when someone knocks?

15 A. Yes, it's a very quiet apartment. There
16 aren't any strangers. If somebody knocks, it's
17 usually the mailman or delivery, so.

18 Q. Were you aware in late August and early
19 September that someone was trying to serve you --

20 A. No.

21 Q. -- with a deposition subpoena?

22 A. No, not at all.

23 Q. Did you purposely avoid being served
24 with this deposition subpoena?

25 A. No.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
34

1 Q. Okay. You testified earlier that Mr.
2 Cochran represented you in connection with the
3 Canadian cars settlement --

4 A. Yes.

5 Q. -- is that correct?

6 A. Yes.

7 Q. And that you had an initial contact in
8 2010, and then you did not hear from him again until
9 April of 2012; is that correct?

10 A. You know, I'm not sure. Yeah, I'm not
11 sure. It had been a while since I had heard from
12 him prior to April, but I'm not sure, you know, if
13 there were any later communications about the
14 Canadian car case before that.

15 Q. Okay. Did you receive any payment in
16 connection with your involvement in the Canadian
17 cars case?

18 A. No.

19 Q. Do you know if Mr. Cochran received any
20 payment in connection with his representation of you
21 in the Canadian cars case?

22 A. No.

23 Q. I think when did you first become aware
24 of the LCD case?

25 A. When Mr. Cochran called me about it in

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
35

1 April of 2012.

2 Q. Okay, and separate from your
3 communication with Mr. Cochran, what do you know
4 about that LCD case?

5 A. Oh, not a lot. I just know that he had
6 asked me if I had purchased --

7 MR. KENDAL LUKE: Wait.

8 Q. (By Ms. Manning) Yes, don't tell me --

9 A. Okay.

10 Q. -- anything that you learned from your
11 attorney.

12 A. Yeah, no. Could you repeat the
13 question?

14 Q. Sure.

15 MS. MANNING: Could you repeat my
16 question?

17 (The record was read back by the court
18 reporter.)

19 A. I just know what I was told.

20 Q. (By Ms. Manning) What you were told by
21 Mr. Cochran?

22 A. Yes.

23 Q. Okay, did you ever talk to your brother
24 about that LCD case?

25 A. No.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
36

1 Q. Did you talk to your girlfriend about
2 the LCD case?

3 A. No.

4 Q. Did you talk to your friends at work
5 about the LCD case?

6 A. No.

7 Q. What documents did you review to learn
8 about that LCD case?

9 A. I actually did not review any documents.
10 Again, I was just going on what I had learned about
11 it.

12 Q. Okay, you didn't read the complaint?

13 A. No.

14 Q. You didn't read any of the amended
15 complaints?

16 A. No.

17 Q. Did you read the class certification
18 motion?

19 A. No.

20 Q. Did you read any of the summary judgment
21 motions?

22 A. No.

23 Q. And did you read any of the court
24 orders?

25 A. No.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
37

1 Q. Okay, so you didn't read anything about
2 the case?

3 A. That is correct.

4 Q. And is it correct to say your only
5 knowledge about the LCD case came from what your
6 attorney told you?

7 A. Yes.

8 Q. Do you recall what you first learned of
9 the settlements in the LCD case?

10 A. Settlements? I believe it is when Mr.
11 Cochran called me a couple of weeks ago, and, again,
12 that was just more for him telling me that I needed
13 like to show up for a deposition.

14 Q. Okay.

15 A. Yeah.

16 Q. Okay, again, don't tell me what he told
17 you --

18 A. Okay.

19 Q. -- or your lawyer is going to get mad at
20 me.

21 What is your understanding of your role
22 in the LCD case?

23 A. Similar to the other case, you know, I
24 basically -- my -- you know, I fit the criteria as a
25 consumer of what the case involves, so in this

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
38

1 instance in the LCD case, I purchased a couple of
2 computers within that time period, and so, yeah,
3 that's it.

4 Q. Okay. So do you consider yourself to be
5 a member of the class?

6 A. Yes.

7 Q. And do you consider yourself to be an
8 objector to the settlement?

9 A. I'm not sure what that means.

10 Q. Do you know what it means to object to a
11 settlement?

12 A. Not really.

13 Q. Okay.

14 A. Yeah.

15 Q. Did you read any of the settlement
16 agreements in the LCD case?

17 A. No.

18 Q. Do you have any understanding of the
19 substance of the settlements in the LCD case?

20 A. No.

21 Q. Do you know who the settling parties
22 are?

23 A. No.

24 Q. Do you know how much the case settled
25 for?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
39

1 A. No.

2 Q. Do you know if it was in the thousands
3 of dollars?

4 A. Yes, I don't know the exact number, but,
5 yes, I know it was quite a big sum.

6 Q. Okay. What caused you to object to the
7 LCD settlement?

8 A. Honestly, I don't -- I don't know. I
9 was -- you know, again, I was basically just going
10 along with --

11 Q. With what your attorney told you?

12 A. Yes.

13 Q. Okay. Do you have a written
14 attorney-client agreement with Mr. Cochran in
15 connection with the LCD case?

16 A. No.

17 Q. What is your understanding of Mr.
18 Cochran's role as representing you in the LCD case?
19 What did you hire him for?

20 A. I think it's just, you know, it's really
21 as simple as him making the phone calls to me, and I
22 was just going along, you know, again, because I
23 knew that, you know, I fulfilled the criteria that
24 he was looking for.

25 Q. How many times have you spoken with Mr.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
40

1 Cochran since you decided to retain him in April of
2 2012 in connection with the LCD case?

3 A. Oh, probably three or four times. I'm
4 not sure of the exact number.

5 Q. Okay, and were those conversations by
6 telephone?

7 A. Yes.

8 Q. Have you ever met with Mr. Cochran in
9 person?

10 A. No.

11 Q. Do you know what he looks like?

12 A. No.

13 Q. Have you exchanged e-mails with Mr.
14 Cochran?

15 A. Yes.

16 Q. About how many?

17 A. Maybe two or three.

18 Q. So is it fair to say that your
19 communications with Mr. Cochran have been fairly
20 limited --

21 A. Yes.

22 Q. -- in connection with the LCD case?

23 A. Yes.

24 Q. Okay. Other than Mr. Cochran, have you
25 spoken with any other person regarding the LCD case?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

41

1 A. No.

2 MS. MANNING: Okay, I am going to mark
3 the next document as Exhibit 4, and this document is
4 a November 29th, 2012, letter from John Pentz to
5 Fran Scarpulla.

6 (Deposition Exhibit 4 was marked for
7 identification.)

8 Q. (By Ms. Manning) Mr. Luke, please take
9 a look at Exhibit 4, and let me know if you have
10 seen it before. Okay, the second page of Exhibit 4
11 is a -- actually, strike that.

12 This is a letter from Mr. Pentz to Mr.
13 Scarpulla enclosing your response to the
14 indirect-purchaser plaintiffs' request for
15 production of documents and agreeing to appear for
16 the deposition today; is that correct?

17 A. Yes.

18 Q. Okay, and did you have any discussions
19 with --

20 Did you review this letter before it was
21 sent out?

22 A. No.

23 Q. If you take a look at page two, this is
24 the response by Kevin Luke to indirect-purchaser
25 plaintiffs' request for production of documents.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
42

1 A. Yes.

2 Q. Have you seen this document before?

3 A. No.

4 Q. Did you review the document before it
5 was signed by your attorney?

6 A. No.

7 Q. Is Mr. Pentz your attorney in this case?

8 A. Again, I'm not sure, it could be,
9 because my conversations have just been with Mr.
10 Cochran.

11 Q. Okay. You have never had a conversation
12 with Mr. Pentz --

13 A. No.

14 Q. -- is that correct?

15 A. No.

16 Q. Okay. Do you have an understanding of
17 why he prepared this document on your behalf?

18 A. Like I said before, in my communications
19 with Mr. Cochran, I have heard Mr. Pentz's name
20 mentioned before, so, yeah, that's the extent of my
21 knowledge of Mr. Pentz's involvement with this.

22 Q. Okay, and did you have any discussions
23 with Mr. Pentz about whether you would produce
24 documents in this case?

25 MR. KENDAL LUKE: Objection.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
43

1 MS. MANNING: I'm asking yes or no.

2 MR. KENDAL LUKE: Yes or no.

3 MS. MANNING: Yes or no.

4 MR. KENDAL LUKE: Okay.

5 MS. MANNING: If you can read the
6 question back?

7 (The record was read back by the court
8 reporter.)

9 A. No, not with Mr. Pentz.

10 Q. (By Ms. Manning) Okay. Did you search
11 for responsive documents -- actually, strike that.
12 Not a good question.

13 At some point in this case, did you
14 search for documents related to your involvement in
15 the LCD case?

16 A. Yes.

17 Q. Okay, and what types of documents did
18 you search for?

19 A. Oh, I --

20 Q. Actually, let me --

21 A. Okay.

22 Q. Okay, you can answer that question.

23 A. I was told to look for either receipts
24 or the actual computers, which I -- which I did
25 find.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
44

1 Q. Okay, and when did you first search for
2 the types of documents that you just mentioned?

3 A. Actually, yesterday. Yesterday.

4 Q. Okay, so when this letter was sent out
5 on November 29th, you had not searched for
6 responsive documents; is that correct?

7 A. Not at -- not at that time.

8 Q. Do you know how Mr. Pentz prepared this
9 document?

10 A. No.

11 Q. Okay, let's talk about the requests. If
12 you want to take a look back at Exhibit 3, which is
13 these documents, if you take a look at page three of
14 the requests for production. Keep going, keep
15 going. I think it is the second to the last page.
16 There you go, okay.

17 So the first request asks for all
18 documents supporting your objection filed in the LCD
19 antitrust litigation, including those supporting
20 your assertion that you are a member of the
21 settlement class in the LCD antitrust litigation,
22 e.g., receipts for purchase of a product containing
23 a TFT-LCD panel during the class period.

24 Do you see that?

25 A. Yes.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
45

1 Q. When did you first search for documents
2 responsive to this request?

3 A. Oh, yesterday.

4 Q. Do you have an understanding of what a
5 TFT-LCD panel is?

6 A. Yes.

7 Q. And what is that?

8 A. It's basically the computer screen on
9 the lap tops.

10 Q. Yeah, you are a tech guy --

11 A. Yeah.

12 Q. -- so you know all this stuff.

13 A. Yeah.

14 Q. And where did you search for responsive
15 documents?

16 A. In my apartment. I knew I still had the
17 computers. I had them stored away in the closet.
18 One of them was in the closet, and another one I
19 actually was using up until a few months ago.

20 Q. Okay, and did you search for them in
21 your apartment?

22 A. Yes.

23 Q. Anywhere else?

24 A. No.

25 Q. Did you search for other documents

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
46

1 besides the actual products?

2 A. I looked to see if I still had the
3 receipts for those, and it's been some time. The
4 old computer I bought in 2000, so I couldn't find a
5 receipt for that, and the other computer I had also
6 bought in 2005, so I couldn't find a receipt for
7 that.

8 Q. Okay. For how many products did you
9 search for responsive documents in this case?

10 A. Oh, I thought I had more initially
11 because my understanding was that the dates were up
12 to 2012, and actually, I saw a newspaper article
13 about this case that it was for computers bought up
14 to 2006, so I only had two computers that fell into
15 that category.

16 Q. Okay, and did you have any other
17 products besides computers that fell into that
18 category?

19 A. No, no, just two computers.

20 Q. Okay, two computers?

21 A. Yes.

22 Q. Okay, and can you tell me about those
23 computers?

24 A. Yes. One is -- the one that I bought in
25 2000, it's an Apple ibook. Again, I'm not sure when

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
47

1 in 2000 that I bought it, but I remember I bought --
2 I bought that particular model when it first came
3 out in 2000.

4 Q. Okay. And when did you purchase the
5 ibook?

6 A. On line. I'm not sure -- I'm not sure
7 if it was Mac mall or Mac warehouse, one of those on
8 line -- one of those on line stores.

9 Q. Do you still have that 2000 Apple ibook?

10 A. Yes.

11 Q. Wow.

12 A. Yes, it's sitting in the closet.

13 Q. Steve Jobs would be proud.

14 A. Yeah.

15 Q. Okay. Where did you live when you
16 purchased the 2000 ibook?

17 A. In Honolulu.

18 Q. Did you buy it with a credit card?

19 A. Yes.

20 Q. And did that credit card have your name
21 on it?

22 A. Yes.

23 Q. Do you have a receipt for that purchase?

24 A. No.

25 Q. Do you have a credit card statement

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
48

1 reflecting the purchase?

2 A. No.

3 Q. Is it your practice to keep copies of
4 your credit card statements?

5 A. No.

6 Q. What kind of credit card did you
7 purchase the Apple ibook on?

8 A. A Visa.

9 Q. Do you still have that Visa?

10 A. No, it's a -- I have a different Visa
11 now. It was a -- it was the United Airlines Visa
12 card at the time. I don't have that one anymore.

13 Q. Yeah, that's a good one. I have that
14 one too. You get lots of miles.

15 A. Yeah.

16 Q. Okay, and what was the second computer
17 that you referred to earlier?

18 A. It was -- it's a seventeen inch Mac
19 power book, which I bought in late 2005.

20 Q. Okay, and where did you purchase the
21 seventeen inch Mac power --

22 A. I purchased that from the Apple store
23 here in Honolulu.

24 Q. This is a lap top, right?

25 A. Yes.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
49

1 Q. And do you still have that product?

2 A. Yes.

3 Q. And where did you live when you
4 purchased the Mac power book --

5 A. In Honolulu.

6 Q. Did you pay cash?

7 A. No. It was with the same credit card.

8 Q. The same --

9 A. The same Visa.

10 Q. The Visa mileage --

11 A. Yes.

12 Q. -- the Visa United?

13 A. Yes.

14 Q. United Visa, okay --

15 A. Yes.

16 Q. -- and do you still have that credit
17 card?

18 A. No.

19 Q. Do you have a receipt for the purchase
20 of the seventeen inch Mac power book?

21 A. No, I couldn't find a receipt for it?

22 Q. Do you have a credit card statement
23 reflecting the purchase?

24 A. No.

25 Q. Did you purchase that product for

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
50

1 yourself?

2 A. Yes.

3 Q. Do you still use that product?

4 A. No. I -- I bought -- I bought a new
5 one, and I don't use that one anymore.

6 Q. You know Apple recycles products?

7 A. Yes. That one still works, but I just
8 haven't used it for anything.

9 Q. All right. So going back to Exhibit 4,
10 are those the only two products for which you
11 searched for responsive documents?

12 A. Yes.

13 Q. And did you look anywhere besides your
14 apartment?

15 A. No. I knew -- I knew where they were.

16 Q. Okay. Okay, so you didn't find any
17 responsive documents other than the two actual
18 products; is that correct?

19 A. Yes.

20 Q. Okay, you didn't find any receipts?

21 A. Yeah, I tried to find it.

22 Q. No credit card statements?

23 A. No.

24 Q. All right. If you take a look at
25 Exhibit 3 again, the third request asks for all

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
51

1 documents relating to the representation of you by
2 any person in relation to the antitrust litigation.

3 Did you search for any documents
4 responsive to this request?

5 A. No.

6 Q. And you testified earlier that you don't
7 have any attorney client agreements with your
8 counsel; is that correct?

9 A. That is correct.

10 Q. Is there any other written evidence of
11 your attorney client relationship with any attorneys
12 involved in the LCD case?

13 A. Just the two e-mails.

14 MR. KENDAL LUKE: I'm sorry, I just --

15 MR. PENTZ: Privileged --

16 MS. MANNING: It's a yes or no question.

17 MR. PENTZ: Well, he has already
18 testified that there were some e-mails from Ed
19 Cochran, but those would be attorney client
20 privileged.

21 MS. MANNING: Okay, I didn't see a
22 privilege log produced together with this response,
23 and I believe the special master's order
24 specifically states that any privileged documents
25 should be identified on a privilege log, so we would

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
52

1 request production of a privilege log, please, since
2 the witness has identified that there are e-mail
3 communications.

4 MR. PENTZ: Okay, we will log those and
5 produce those.

6 MS. MANNING: Thank you.

7 MR. PENTZ: We will do that.

8 MS. MANNING: Thank you.

9 Q. (By Ms. Manning) Okay, so other than
10 e-mail communications, is there any other written
11 evidence of your attorney-client relationship with
12 Mr. Cochran?

13 A. No.

14 Q. Okay. All right, the fourth request
15 asks for all documents relating to agreements
16 between you and any other person including but not
17 limited to any other objector or attorney in
18 relation to the LCD antitrust litigation, including
19 any agreement to compensate you for acting as an
20 objector.

21 Now, is it true that you don't
22 understand your role as an objector in this case?

23 A. Not specifically, yes.

24 Q. Okay. Do you have any agreements with
25 any other person --

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
53

1 A. No.

2 Q. -- in connection with the LCD case other
3 than your attorneys?

4 A. Nobody else.

5 Q. Okay. So did you look -- so there were
6 no --

7 Is it correct that there were no
8 responsive documents?

9 A. Yes.

10 Q. Okay, the fifth request asks for all
11 documents relating to any objection filed in any
12 court or proceeding in the last five years by you or
13 by any attorney who is currently involved or
14 associated with the representation of you in the LCD
15 antitrust litigation.

16 Do you see that?

17 A. Yes.

18 Q. Are you aware of any objection filed by
19 you in any other case?

20 A. No.

21 Q. The next request, number six, asks for
22 all documents relating to any settlement made in
23 relation to any objection or subsequent appeal filed
24 in the last five years by you or by any attorney who
25 is currently involved or associated with the

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
54

1 representation of you in the LCD antitrust
2 litigation.

3 Did you search for documents responsive
4 to this request?

5 A. No.

6 Q. The next request number seven asks for
7 all documents relating to the amount of any monetary
8 compensation received by you or by any attorney who
9 is currently involved or associated with the
10 representation of you in the LCD antitrust
11 litigation for any objection within the last five
12 years.

13 Did you search for documents responsive
14 to this request?

15 A. No.

16 Q. And you testified earlier that you
17 haven't received any monetary compensation; is that
18 correct?

19 A. Yes.

20 Q. The last request number eight asks for
21 all documents relating to changes made to any
22 settlements as a result of any objection made within
23 the last five years by you or by any attorney who is
24 currently involved or associated with the
25 representation of you in the LCD antitrust

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
55

1 litigation.

2 Did you search for documents responsive
3 to this request?

4 A. No.

5 MS. MANNING: Okay, I am going to mark
6 the next document as Exhibit 5, which is a notice of
7 service of renewed notice of deposition dated
8 December 4th, 2012.

9 (Deposition Exhibit 5 was marked for
10 identification.)

11 Q. (By Ms. Manning) Have you seen this
12 document before, Mr. Luke?

13 A. No.

14 MS. MANNING: Okay, I am going to mark
15 the next document as Exhibit 6, which is an April
16 17th, 2012, objection to settlement and motion for
17 attorneys' fees.

18 (Deposition Exhibit 6 was marked for
19 identification.)

20 Q. (By Ms. Manning) Please take a look at
21 this, Mr. Luke, and tell me if you have seen this
22 before.

23 A. No, I have not seen this before.

24 Q. So I am guessing then -- actually,
25 strike that.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
56

1 Did you prepare this document?

2 A. No.

3 Q. Did you authorize Mr. Pentz to file this
4 document on your behalf?

5 A. I -- I did not directly authorize it,
6 again, because of my initial conversation with Mr.
7 Cochran, you know, I just knew that I fell into the
8 criteria for this --

9 Q. Okay. Do you know what this document
10 is?

11 A. No.

12 Q. Do you want to read the title and tell
13 me if that refreshes your recollection?

14 A. Yes, I believe so.

15 Q. Okay. What is your refreshed
16 recollection of what this document is?

17 A. Oh, the objection to the settlement.

18 Q. Okay. You testified earlier that you
19 didn't know that you had objected to the settlement;
20 is that correct?

21 A. No.

22 Q. No, it's not correct?

23 A. Well, I'm sorry. Rephrase the question
24 again.

25 MS. MANNING: Can you read my question

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
57

1 back?

2 (The record was read back by the court
3 reporter.)

4 Q. (By Ms. Manning) Let me rephrase the
5 question.

6 A. Okay.

7 Q. You testified earlier that you didn't
8 understand that you were an objector in this case;
9 is that correct?

10 A. Not exactly. You know, again, I just
11 knew what I had been told, and I guess you could say
12 the rest was being taken care of.

13 Q. By who?

14 A. By Mr. Cochran.

15 Q. Okay. Did you have any conversation
16 with Mr. Cochran about this document before it was
17 filed?

18 A. Looking at it, just I would say about
19 the - --

20 MR. KENDAL LUKE: Yes, I think --

21 A. -- items that I had purchased, you know?

22 Q. (By Ms. Manning) Okay.

23 MR. KENDAL LUKE: Okay, you know, Jill,
24 if you don't mind, it's been about an hour.

25 MS. MANNING: Do you want to take a

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
58

1 break?

2 MR. KENDAL LUKE: Yes.

3 MS. MANNING: Let's go off the record.

4 (Recess taken 10:58 a.m. to 11:10 a.m.)

5 MS. MANNING: Let's go back on the
6 record.

7 Q. (By Ms. Manning) All right, Mr. Luke,
8 before we took a quick break, we were talking about
9 Exhibit 6. Did you have any discussions with your
10 brother during the break?

11 A. About this?

12 Q. About anything related --

13 A. Yes.

14 Q. -- to the case?

15 A. Yes.

16 Q. And what did he tell you?

17 MR. KENDAL LUKE: I am going to object
18 to that in terms of --

19 MS. MANNING: Well, he has testified
20 that you are not his attorney in this case.

21 MR. KENDAL LUKE: I think he was a
22 little confused about that as well.

23 MS. MANNING: Well, that's his
24 testimony. If you want to clarify it at the end,
25 but he testified that he hasn't retained you as his

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
59

1 attorney, therefore, any discussions that you have
2 are not attorney client privileged.

3 MR. KENDAL LUKE: Okay, well, I am going
4 to object to that and have him not discuss what was
5 said.

6 MS. MANNING: Okay, well, if we decide
7 to file a motion to compel, and we are successful,
8 and I have to come back here for the deposition, we
9 are going to ask for costs because I think the
10 record is clear that based on his testimony, there
11 is not an attorney client relationship.

12 Q. (By Ms. Manning) Are you going to abide
13 by your attorney's instructions?

14 MR. PENTZ: I think he probably meant he
15 is not his attorney in the LCD case, but he is
16 clearly his attorney there today, and he is the only
17 lawyer there.

18 MS. MANNING: I think the record is
19 pretty clear.

20 Q. (By Ms. Manning) So are you going to
21 follow your brother's instruction and not answer the
22 question?

23 A. Yes.

24 Q. Okay. Did anything your brother tell
25 you during the break refresh your recollection about

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
60

1 any of the matters we have been discussing today?

2 A. As far as what we have been talking
3 about today?

4 Q. Yes.

5 A. No.

6 Q. Okay. So we were talking about Exhibit
7 6 before we took a break, and you were telling me
8 about your understanding of what the document is.

9 MS. MANNING: Actually, what was the
10 last question I asked?

11 (The record was read back by the court
12 reporter.)

13 Q. (By Ms. Manning) Okay, do you have any
14 knowledge of this exhibit other than what your
15 attorney has told you? Actually, that's a really
16 bad question. Strike that.

17 Do you have any understanding of what
18 this document means other than what your attorney
19 has told you? And when I say this document, I am
20 referring to Exhibit 6.

21 A. After I read it or just what he told me,
22 yes, I do.

23 Q. Okay, what is your understanding?

24 A. That I am objecting to the settlement
25 for the attorneys' fees.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

61

1 Q. Okay, and what is your understanding of
2 what that means to object to a settlement?

3 A. Actually, I'm not entirely clear on it.
4 Again, I was just going on the understanding of my
5 conversations with Mr. Cochran.

6 Q. Okay, I don't want to hear anything
7 about your conversations with Mr. Cochran, so
8 separate and apart from your conversations with Mr.
9 Cochran, what is your understanding of what it means
10 to object to a settlement?

11 A. Again, I'm not very clear on that.

12 Q. Okay. Do you know who Barbara Cochran
13 is?

14 A. No.

15 Q. Have you had any discussions with
16 Barbara Cochran?

17 A. No.

18 Q. Okay. If you take a look at Exhibit 6,
19 it says Mr. Luke purchased an Apple ibook on line in
20 2000, a power book in 2002, and an ibook at the
21 Honolulu Apple store in 2005; is that correct?

22 A. Yes.

23 Q. Did you make those purchases?

24 A. Yes.

25 Q. Okay. We talked earlier about the Apple

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
62

1 ibook that you purchased in 2000?

2 A. Yes.

3 Q. Is that the product that's referred to
4 in Exhibit 6?

5 A. Yes.

6 Q. And we also talked about a seventeen
7 inch Mac power book that you purchased in 2005?

8 A. Yes.

9 Q. Is that referred to in this document?

10 A. It says ibook in here. That should have
11 been a power book --

12 Q. Okay.

13 A. -- 2005.

14 Q. So is it true that this document is
15 incorrect when it says you purchased an ibook at the
16 Honolulu Apple store in 2005?

17 A. Yes.

18 Q. You did not purchase an ibook at the
19 Honolulu Apple store in 2005; is that correct?

20 A. I purchased a power book, yes.

21 Q. Okay. Is it correct that you did not
22 purchase an ibook at the Honolulu Apple store in
23 2005?

24 A. Yes.

25 Q. Okay. Okay, did you purchase a power

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
63

1 book in 2002?

2 A. Yes, I did. But I -- I was not the
3 original purchaser of that. Again, when I was told
4 to look for the receipts, knowing that I had not
5 been the original purchaser of that, I just, you
6 know, only knew about the -- knew that I still had
7 the ibook and the other power book that I purchased
8 in 2005.

9 Q. Okay. When did you purchase the power
10 book referred to in Exhibit 6?

11 A. Oh, sometime in 2002 from a friend.

12 Q. Okay, so you purchased it from a friend.
13 Who was the friend you purchased it from?

14 A. Her name was May, her last name is
15 Lagua, L A G U A.

16 Q. Okay. You testified earlier that it is
17 your understanding that you are objecting to the
18 attorneys' fees; is that correct?

19 A. Mm-hm.

20 Q. Is there anything else that you are
21 objecting to in Exhibit 6? And I am not trying to
22 make this a test. You can feel free to read it.

23 A. No. Not that I know of, yes.

24 MR. PENTZ: Objection on the form of the
25 question. That's not what the special master has

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
64

1 permitted. That's too open ended and broad.

2 MS. MANNING: Are you instructing the
3 witness not to answer the question? I am referring
4 specifically to Exhibit 6.

5 MR. PENTZ: Right, but the form of the
6 question is other than C, is there anything else
7 that you are objecting to, which is exactly the form
8 that was criticized in the Kensell depo.

9 Q. (By Ms. Manning) Do you have an
10 understanding --

11 MR. PENTZ: Why don't you read the
12 objection page by page like the Special Master Quinn
13 recommended in that case?

14 MS. MANNING: I will be happy to do
15 that.

16 MR. PENTZ: Thank you.

17 Q. (By Ms. Manning) If you take a look at
18 Exhibit 6, it refers to an objection on the grounds
19 that the statewide damages class improperly excludes
20 New Hampshire residents and includes Rhode Island
21 residents. Do you understand that to be one of your
22 objections to the LCD settlement?

23 A. Yes.

24 Q. And did you review this portion of the
25 objection before it was filed?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
65

1 A. No, I did not.

2 Q. Did you authorize this objection to be
3 filed on your behalf?

4 A. Yes.

5 Q. And who did you give that authorization
6 to?

7 A. Mr. Cochran.

8 Q. And do you have any understanding of the
9 nature of the objection to the settlement on behalf
10 of the New Hampshire residents and Rhode Island
11 residents, other than what you discussed with your
12 attorneys?

13 A. Could you repeat the question again?

14 MS. MANNING: Could you read the
15 question back?

16 (The question was read back by the court
17 reporter.)

18 A. Yes.

19 Q. (By Ms. Manning) And what is that
20 understanding?

21 A. Just what is in here, that -- that
22 that's my understanding of what's in this document.

23 Q. Okay, and how did you formulate that
24 objection?

25 A. I didn't -- I did not formulate that

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
66

1 myself. That came through my discussions with --
2 with Mr. Cochran.

3 Q. Okay, so that's what I am trying to get
4 at is what is your understanding of the nature of
5 your objection, other than what you have learned
6 from your attorneys?

7 A. As far as what? What I know about it?

8 Q. That's correct.

9 A. So basically you are asking if I know --

10 Q. Let me --

11 A. Okay.

12 Q. You know, let me rephrase the question
13 because I think I am confusing you.

14 A. Okay.

15 Q. What documents did you --

16 What did you do in preparation for
17 preparing this objection? Actually, strike that.

18 A. Okay.

19 Q. Did you read the settlement agreements
20 in this case?

21 A. No.

22 Q. Did you read any other documents that
23 refer to the settlement agreements in this case?

24 A. No.

25 Q. So what is the basis for your objection

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
67

1 to the settlement agreements that they exclude the
2 New Hampshire residents and include the Rhode Island
3 residents if you did not read the settlement
4 agreements?

5 A. I don't know.

6 Q. Is it true that your attorney told you
7 that?

8 MR. KENDAL LUKE: Objection.

9 MS. MANNING: Okay, I will rephrase it.

10 Q. (By Ms. Manning) Is it true that the
11 basis for your objection came from your attorney?

12 A. Yes.

13 Q. Okay. Okay, in Exhibit 6, you next
14 object to the settlement on the grounds that the
15 residents of California and Hawaii should receive a
16 higher percentage of the settlement fund than
17 residents of the other states, so I will ask you the
18 same question. If you didn't read the settlement
19 agreement, is it correct that the basis for that
20 objection came from your attorney?

21 A. Yes.

22 Q. Okay, and in Exhibit 6, you object that
23 the attorneys failed to file a fee motion, and you
24 object to any fee in excess of 15 percent; is that
25 correct?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
68

1 A. Yes.

2 Q. Okay. How did you decide that any fee
3 in excess of 15 percent would be excessive?

4 A. Again, that came from my attorney.

5 Q. Okay. Do you know how many hours the
6 class attorneys spent working on this case?

7 A. No.

8 Q. Do you know how many depositions they
9 took in this case?

10 A. No.

11 Q. Do you know how many documents they
12 reviewed in this case?

13 A. No.

14 Q. Do you know how many motions the class
15 attorneys filed in the case?

16 A. No.

17 Q. Do you know how long the case had been
18 pending before it settled?

19 A. No.

20 Q. Do you know how many law firms worked on
21 this case?

22 A. No.

23 Q. Who chose the 15 percent figure set
24 forth in the exhibit?

25 A. My attorney.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
69

1 Q. Okay. Did the court rule on your
2 objection?

3 A. I'm not sure.

4 Q. Did you read any court ruling on the
5 objection?

6 A. No.

7 Q. Did you have any discussions with your
8 attorney about what happened after he filed the
9 objection?

10 A. No.

11 MS. MANNING: Okay, we will mark the
12 next document as Exhibit 7, and this is a November
13 19th, 2012, objection to report and recommendation
14 of special master re motion for attorneys' fees and
15 other amounts by indirect-purchaser class
16 plaintiffs.

17 (Deposition Exhibit 7 was marked for
18 identification.)

19 Q. (By Ms. Manning) I will let you take a
20 minute to look at this, and let me know if you have
21 seen this before.

22 A. No, I haven't seen this before.

23 Q. Did you assist in preparing this
24 document?

25 A. No.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
70

1 Q. Did you review it before it was filed on
2 November 19th, 2012?

3 A. No.

4 Q. Did you authorize Mr. Pentz to file this
5 on your behalf?

6 A. No.

7 Q. Did you authorize Mr. Cochran to file
8 this on your behalf?

9 A. No.

10 Q. Okay. Exhibit 7 states that class
11 member Kevin Luke objects to the special master's
12 report and recommendation recommending a 28.5
13 percent fee award to the IPP class counsel.

14 Do you see that?

15 A. Yes.

16 Q. On what basis did you object to the 28.5
17 percent fee recommendation?

18 A. Again, that was prepared by my
19 attorneys.

20 Q. Did you read the class counsel's motion
21 for attorneys' fees prior to the time Exhibit 7 was
22 filed?

23 MR. PENTZ: This is getting repetitive,
24 asked and answered. I mean, how many times are you
25 going to ask him if he read the fee motion?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

71

1 Obviously, he didn't.

2 Q. (By Ms. Manning) You can answer the
3 question.

4 A. No, I haven't.

5 Q. Okay. Had you ever read the motion for
6 attorneys' fees in this case?

7 A. No, I have not.

8 Q. On page two of the objection, you
9 suggest that a lode star multiplier of 1.5 would be
10 inadequate in this case. Do you see that?

11 A. Excuse me, which page?

12 Q. If you look at page two at the beginning
13 of the first paragraph, objectors do not contend
14 that class counsel is due no risk multiplier, but
15 suggests that a lode star multiplier of 1.5, and
16 I'll move on, is more than adequate in this mega
17 fund case.

18 Do you see that?

19 A. Yes.

20 Q. What is a lode star multiplier?

21 MR. KENDAL LUKE: Okay, go ahead and
22 answer.

23 A. Oh, I don't know.

24 Q. (By Ms. Manning) How do you determine
25 that a multiplier of 1.5 would be an adequate in

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
72

1 this case?

2 MR. PENTZ: Objection, cumulative. He
3 has already responded.

4 MS. MANNING: I am asking him about a
5 new document. I didn't ask him this question
6 before.

7 MR. PENTZ: Yes, but I mean, it is
8 cumulative. Obviously, he didn't come up with the
9 28.5 percent or the 15 percent, and he also didn't
10 come up with the 1.5.

11 MS. MANNING: Okay, then he should say
12 that.

13 Q. (By Ms. Manning) Can you please answer
14 my question?

15 A. I did not come up with those numbers.

16 Q. Okay, thank you. Is it fair to say that
17 the only basis for the filing of Exhibits 6 and 7
18 was the advice of your counsel?

19 A. Yes.

20 Q. How much time have you spent in
21 connection with the objections you filed in the LCD
22 case?

23 A. How much time?

24 Q. How much time?

25 A. Not very much.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
73

1 Q. Okay. A day? An hour? Just give me
2 your best estimate.

3 A. Probably an hour.

4 Q. Okay. And what do you expect to gain
5 from objecting to the LCD settlements?

6 A. Honestly, I don't know.

7 Q. Do you have any expectation?

8 A. No. I am not sure, you know, what's
9 going to come of it.

10 Q. Are you expecting to receive a monetary
11 benefit?

12 A. Again, I'm not sure.

13 Q. Have you ever received any compensation
14 for appearing at your deposition here today?

15 A. No.

16 Q. Are you expecting to receive any
17 compensation?

18 A. No.

19 Q. Okay. Do you believe that you are a
20 member of the class in this case?

21 A. Yes.

22 Q. Okay. Let's mark our next exhibit as
23 Exhibit 8, and this is a screen shot, I will have to
24 represent it to you, it is a screen shot of the
25 claim that you filed in this case.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

74

1 (Deposition Exhibit 8 was marked for
2 identification.)

3 Q. (By Ms. Manning) Have you seen Exhibit
4 8 before?

5 A. Is this from the claim form?

6 Q. Yes.

7 A. Yes.

8 Q. Okay, did you file a claim in this case?

9 A. Yes.

10 Q. And when did you file the claim?

11 A. Oh, a few weeks ago.

12 Q. Would it refresh your recollection if I
13 said you filed it on or about November 15th?

14 A. Yes.

15 Q. Did you file this electronically?

16 A. Yes.

17 Q. Okay, and if you look at the claims, on
18 the right-hand side, it says two televisions, two
19 monitors, and five notebooks?

20 A. Yes.

21 Q. Okay. Okay, we talked earlier about
22 your purchase of a seventeen inch Mac power book in
23 2005, correct?

24 A. Yes.

25 Q. Okay, is that one of the --

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
75

1 A. The notebooks.

2 Q. -- notebooks that you are referring to?

3 A. Yes.

4 Q. Okay, and then you testified earlier
5 that you purchased an Apple ibook in 2000 --

6 A. Yes.

7 Q. -- is that correct?

8 A. Yes.

9 Q. And is that one of the notebooks that
10 you referred to?

11 A. Yes.

12 Q. Okay, and your objection included a 2002
13 power book, excuse me.

14 Your objection referred to in Exhibit 6
15 refers to a power book that you bought in 2002 --

16 A. Yes.

17 Q. -- is that correct?

18 A. Yes.

19 Q. And you testified that you purchased
20 that from a friend; is that correct?

21 A. Yes.

22 Q. Okay. What are the other three
23 notebooks that you referred to in this?

24 A. Those --

25 Q. Excuse me, let me finish my question.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
76

1 A. Okay.

2 Q. What are the three other notebooks that
3 you filed a claim for in this case?

4 A. I had purchased other computers. I had
5 mentioned earlier today of my confusion of the
6 dates.

7 Q. Okay.

8 A. Some of the additional items on here
9 were purchased after 2006. So like I said, after I
10 read the newspaper article, sometime within the last
11 week, I realized that what I had put on this claim
12 form was not -- all of these numbers didn't apply
13 because it only applied to my purchases before 2006.

14 Q. Okay.

15 A. So at the time that I filled this out, I
16 was mistaken on the time period because I did
17 purchase the rest of -- the numbers reflected here,
18 the more items after 2006, between 2006 and 2012.

19 Q. Okay. So is it your testimony that the
20 two other notebooks were purchased outside of the
21 class period?

22 A. Yes.

23 Q. And is it your testimony that --

24 Do you believe that you are entitled to
25 a claim for those two additional notebooks?

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012

77

1 A. No.

2 Q. Okay. What about the two monitors that
3 are referred to?

4 A. Those were purchased after 2006.

5 Q. Okay, and what about the two
6 televisions?

7 A. That was after 2006 too.

8 Q. Okay, so the only two products that you
9 are entitled to claim for are the Apple ibook
10 purchased in 2000 and the power book purchased in
11 2005 --

12 A. Yes.

13 Q. -- is that correct?

14 A. (Witness nods head up and down.)

15 MS. MANNING: Okay, I don't think I have
16 any further questions. Mr. Luke, I thank you for
17 your time.

18 MR. KENDAL LUKE: For the record, by
19 court rule, we will reserve signature.

20 MS. REPORTER: John, are you ordering a
21 copy of this?

22 MR. PENTZ: Yes, we are, yes.

23 (Discussion off the record.)

24 MS. MANNING: Let's go back on the
25 record real quick.

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
78

1 I have a check for Mr. Luke in the
2 amount of \$42, which is your witness fee for
3 appearing today.

4 THE WITNESS: Okay.

5 MS. MANNING: I have a subpoena that I
6 am hand serving on you that reflects today's
7 deposition.

8 THE WITNESS: Okay.

9 MS. MANNING: So it is just a formality,
10 and I will mark this as Exhibit 9.

11 (Deposition Exhibit 9 was marked for
12 identification.)

13 MS. MANNING: Okay, and with that, I am
14 finished.

15 MR. PENTZ: Well, I do have a question
16 for Mr. Luke, yes --

17 MS. MANNING: Okay, go ahead.

18 MR. PENTZ: -- to clarify some testimony
19 that I believe was pretty confusing before.

20 EXAMINATION

21 BY MR. PENTZ:

22 Q. Mr. Luke, you testified that Mr. Cochran
23 first contacted you in April of 2012. Did you
24 authorize -- you testified that you weren't aware
25 that you were an objector. Did you authorize him to

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
79

1 take steps to protect your rights in this action,
2 the LCD action?

3 MS. MANNING: Objection,
4 mischaracterizes the witness's testimony.

5 MR. KENDAL LUKE: You can answer.

6 A. Well, I was -- again, I was going with
7 my understanding of what, you know, how I fit into
8 this case, and it was my understanding that Mr.
9 Cochran would -- would be acting in my best
10 interests in this case.

11 Q. (By Mr. Pentz) When Mr. Cochran
12 contacted you in April of 2012, was it your
13 intention at that time to make a claim in this case
14 for any monies to which you are entitled under the
15 settlement?

16 A. I believe so, you know, because when I
17 had been asked to -- you know, I guess what my
18 feeling was is that I was helping, helping out with
19 this case, so I was agreeing to whatever, you know,
20 Mr. Cochran was going to do in this case.

21 Q. Did you understand that Mr. Cochran was
22 going to try to help to maximize the amount that you
23 got from the case?

24 A. I believe we had that discussion, yes.

25 Q. And did you authorize him to take any

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
80

1 and all steps that Mr. Cochran felt were necessary
2 to protect your interests and maximize your recovery
3 in this case?

4 A. Yes.

5 MR. PENTZ: Okay, I have no further
6 questions.

7 MS. MANNING: I have no further
8 questions.

9 (Deposition concluded at 11:38 a.m.)

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KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
81

1 I, KEVIN LUKE, hereby certify that I have
2 read the foregoing typewritten pages 1 through 81,
3 inclusive, and corrections, if any, were noted by
4 me, and the same is now a true and correct
5 transcript of my testimony.

6 DATED: Honolulu, Hawaii,

7 _____.

8
9
10 _____
11 KEVIN LUKE
12
13

14 Signed before me this _____
15 day of _____, 2012.
16
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18 _____
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24 In re TFT-LCD, C07-1827 SI, Taken 12-7-12 by
25 Patricia Ann Campbell

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
82

C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, PATRICIA ANN CAMPBELL, CSR 108, State of Hawaii, do hereby certify:

That on December 7th, 2012, appeared before me KEVIN LUKE, the witness whose 82 page deposition is contained therein; that prior to being examined he was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents to the best of my ability a true and correct transcript of the proceedings had in the foregoing matter;

That pursuant to Rule 30(e) of the Hawaii Rules of Civil Procedure, a request for an opportunity to review and makes changes to this transcript was made by the deponent and/or their attorney prior to the completion of the deposition.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 10th day of December, 2012, in Honolulu, Hawaii.

PATRICIA ANN CAMPBELL, CSR 108
Certified Shorthand Reporter
State of Hawaii

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
83

Reference No.: 490876.556417

Case: IN RE TFT-LCD (FLAT PANEL)

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Kevin Luke

NOTARIZATION OF CHANGES
(If Required)

Subscribed and sworn to on the _____ day of

_____, 20____ before me,

(Notary Sign)_____

(Print Name) _____ Notary Public,

in and for the State of _____

KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
84

Reference No.: 490876.556417

Case: IN RE TFT-LCD (FLAT PANEL)

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SIGNATURE: _____ DATE: _____

Kevin Luke



800.211.DEPO (3376)
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KEVIN LUKE
IN RE TFT-LCD (FLAT PANEL)

December 07, 2012
85

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Kevin Luke



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